HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 20246 of 2006

DATED: 1-03-2007

Between:

Swarna Lakshmi Narayana

…Petitioner

and

The Government of India, rep. by its
Deputy Secretary, Ministry of Home Affairs,
Feedom Fighters Division (HC),
New Delhi and another

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 20246 of 2006

ORAL ORDER:

This writ petition is directed against an order dated 4-8-2006 suspending the provisional pension sanctioned with effect from 15-7-2003 vide proceedings of the Union of India dated 4-11-2003, pending enquiry and proposing cancellation of the Swatantrata Sainik Samman Pension. The order of suspension is issued on the ground that there was material to *prima facie* conclude that the petitioner was 5 years of age as in March, 1947 when he claimed to have participated in the freedom struggle. As the order is one of suspension pending enquiry, this court is not inclined to go into the merits of the allegations, which led to the suspension of the Swatantrata Sainik Samman Pension. Whether the petitioner is guilty of a conduct or of misbehaviour, disentitling him to the pension is more appropriately gone into at the enquiry. It is not within the province of this Court to give an advance ruling on the conduct of the petitioner, in the context of the fact that an enquiry is proposed.

On the aforesaid analysis, no case is made out for interference. The writ petition is without merits and is accordingly dismissed. The interim order dated 27-12-2006 shall stand dissolved. There shall be no order as to costs.

_____

GODA RAGHURAM, J

1-03-2007

GRR